

**AMENDMENT NO. 4 TO AGREEMENT  
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 19th day of September 2006, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and HMH Engineers (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional Engineering services for South Park Victoria Drive Pavement Rehabilitation, (Project No. 4225), on February 15, 2005; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional engineering services for South Park Victoria Drive Pavement Rehabilitation.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 1, entitled "Services" is amended by adding Exhibit "A-4", which is attached hereto and incorporated by reference herein.
2. Section 2, entitled " Compensation " is amended to add Exhibit "A-4", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibit "A-4" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "A-4" shall be \$16,000.00.

3. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated February 15, 2005, between HMH Engineers and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

4. All other provisions of the Agreement shall remain in full force and effect.


This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

\_\_\_\_\_  
Public Works Director as to content

  
Title: VICE PRESIDENT

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Attorney as to Form

ATTESTED BY:

\_\_\_\_\_  
City Clerk

## EXHIBIT A-4

### ADDITIONAL SCOPE OF SERVICES

1. Design and staging investigation and estimation of signal modifications for pole foundation replacement at Calaveras Boulevard due to existing cracked foundations.
2. Edited and modified the City General and Special Conditions Specifications to meet federal funding requirements.
3. Attend project Community Meeting and prepare displays.
4. Prepare plot sheets of existing contour exhibits.

### COMPENSATION

Compensation for additional Engineering Services for above tasks: \$16,000.00

City of Milpitas, California

**BUDGET CHANGE FORM**

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	311-9514225153565	\$17,500	311-951422574800	\$17,500

**Explain the reason for the budget change:**

On February 15, 2005, the City Council awarded a consultant contract to HMH Engineers for the design of roadway reconstruction of South Park Victoria Drive between Calaveras Boulevard and Big Basin Drive. Specifically, the work includes placing rubberized asphalt concrete overlay, localized full depth asphalt concrete repairs, cold planning, replacement of traffic detector loops, sealing of cracks and replacement of painted markings.

Staff recommends that HMH Engineers perform additional services to provide investigation and estimation of signal modifications for pole foundation replacement at Calaveras Boulevard due to existing cracked foundations, modifying the City General and Special Condition Specifications to meet federal funding requirements, and to attend a project community meeting and prepare displays.

The California Integrated Waste Management Board (CIWMB) has just granted the City \$17,500 from the Rubberized Asphalt Concrete Grant Program toward this project. A budget appropriation of this grant funding to South Park Victoria Drive Pavement, Project No. 4225 is recommended. This brings the total of grants received for this project to \$1,212,500 (Federal Surface Transportation Program (STP) Funds - \$1,195,000 and CIWMB, Rubberized Asphalt Concrete Grant Program - \$17,500).

Approve a budget appropriation of \$17,500 from the California Integrated Waste Management Board grant to provide investigation and estimation of signal modifications for pole foundation replacement at Calaveras Boulevard for CP 4225, South Park Victoria Drive Phase 1.

☒ Check if City Council Approval required.

Meeting Date: September 19, 2006

Itemization of funds, if needed:			Amount
Requested by:			
Division Head:			
Department Head:			Date: 9/7/06
Reviewed by:			Date: 9/7/06
Finance Director:			
Approved by:			Date:
City Manager:			
Date approved by City Council, if required:			Confirmed by: